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Counsel for Defendant Saul Sanchez Reyes

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Saul Sanchez Reyes,

Defendant.

No. CR-12-0204-MMC

Stipulation and ~~Proposed~~ Order
Continuing December 12, 2012 Hearing
Date to January 9, 2013 and Setting
Briefing and Hearing Dates And
Excluding Additional Time from
December 12, 2012 To January 9, 2013

STIPULATION

This Court previously set a briefing schedule based on the agreement of the parties. The parties previously stipulated and the court ordered that the briefing schedule be continued so that the government could provide the defense with the audio tape recording of Mr. Sanchez Reyes' immigration hearing that resulted in defendant's removal from the United States, which is directly relevant to defendant's challenge to the removal. Upon review and in light of further negotiations the parties believe the case has reached a resolution and a plea agreement has been drafted but not yet approved. The parties thus stipulate to a further continuance so that the parties can finalize a resolution to the case.

1 If a resolution is not reached, the proposed briefing and hearing schedule will be as follows:
2 defendant will file his opening motion on December 5, 2012; the government will file an opposition
3 on December 19, 2012; the defense will file a reply on December 26, 2012; the motion will be heard
4 on January 9, 2013, or any date thereafter convenient to the Court.

5 The parties also agree that the time between December 12, 2012, and January 9, 2013, (or
6 some date thereafter convenient to the Court) should be excluded under the Speedy Trial Act; the
7 continuance is necessary for consideration of a proposed plea agreement to be entered into by the
8 defendant and the attorney for the Government, 18 U.S.C. § 3161(h)(1)(G), effective preparation
9 of counsel, 18 U.S.C. 3161(h)(7)(A) and (h)(7)(B)(iv) and the ends of justice served by granting such
10 a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.
11 § 3161(h)(7)(A).

12 SO STIPULATED.

13
14 Dated: November 7, 2012

MELINDA HAAG
United States Attorney

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16
17 /s/ Mark Kang
J. MARK KANG
Special Assistant United States Attorney

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19 Dated: November 7, 2012

/s/ Candis Mitchell
CANDIS MITCHELL
Attorney for Defendant

~~PROPOSED~~ ORDER

For the reasons stated above, the Court continues the hearing date from November 21, 2012, to December 12, 2012, and sets the motion briefing and hearing date as follows: defendant will file his opening motion on December 5, 2012; the government will file an opposition on December 19, 2012; the defense will file a reply on December 26, 2012; the motion will be heard on January 9, 2013.

IT IS FURTHER ORDERED that the time between December 12, 2012, and January 9, 2013, should be excluded under the Speedy Trial Act; the continuance is necessary for consideration of a proposed plea agreement to be entered into by the defendant and the attorney for the Government, 18 U.S.C. § 3161(h)(1)(G), for effective preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED.

DATED: November 9, 2012


THE HONORABLE MAXINE M. CHESNEY
United States District Judge